



PATENT
Attorney Docket No. 23435-004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : Randall B. METCALF CONFIRMATION No.: 3143
SERIAL NUMBER : 08/749,766 EXAMINER : D. Swerdlow
FILING DATE : November 20, 1996 ART UNIT : 2644
FOR : Sound System and Method for Capturing and Reproducing Sounds
Originating From a Plurality of Sound Sources

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

MAY 18 2004

Technology Center 2600

TRANSMITTAL LETTER

Sir:

Transmitted herewith for filing in the present application are the following documents:

1. Transmittal Letter (in duplicate);
2. Statement;
3. Notice of Appeal (in duplicate); and
4. Check in the amount of \$165.00.

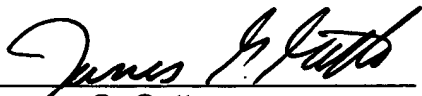
Our check for \$165.00 is enclosed covering any required fees. In the event any variance exists between the amount enclosed and the Patent and Trademark Office charges, please charge or credit the difference to our Deposit Account 50-0311, Reference No. 23435-004. A duplicate copy of this letter is enclosed for that purpose.

If the enclosed papers are considered incomplete, the Mail Room is respectfully requested to contact the undersigned at (703) 464-4800.

Dated: May 13, 2004

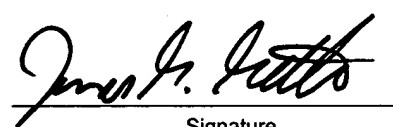
Respectfully submitted,

Customer Number
29315


James G. Gatto
Registration No.: 32,694
MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND
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12010 Sunset Hills Road, Suite 900
Reston, Virginia 20190
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AF 181
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B.D.
5/19/04

NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES		Docket Number (Optional) 23435-004	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Assistant Commissioner for Patents, Washington D.C. 20231" on _____.	In re Application of Randall B. METCALF		
	Application Number 08/749,766		Filed November 20, 1996
	For: Sound System and Method for Capturing and Reproducing Sounds Originating From a Plurality of Sound Sources		
	Group Art Unit 2644		Examiner Daniel Swerdlow
Signature _____ Typed or printed Name _____			
<p>Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the examiner.</p> <p style="text-align: center;">RECEIVED MAY 18 2004 Technology Center 2600 \$330.00</p> <p>The fee for this Notice of Appeal is (37 CFR 1.17(b))</p> <p><input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$165.00.</p> <p><input checked="" type="checkbox"/> A check in the amount of the fee is enclosed.</p> <p><input type="checkbox"/> The Commissioner has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.</p> <p><input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 50-0311. I have enclosed a duplicate copy of this sheet.</p> <p>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p> <p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record.</p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34(a). Registration number if acting under 37 CFR 1.34(a): _____</p> <div style="text-align: right;"> _____ Signature</div> <div style="text-align: right;">James G. Gatto Reg. No. 32,694 _____ Typed or printed name</div> <div style="text-align: right;">May 13, 2004 _____ Date</div> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below".</p> <p><input type="checkbox"/> *Total of _____ forms are submitted.</p>			

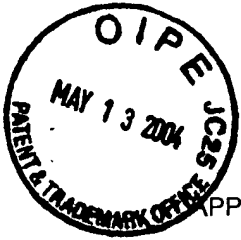
Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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Application Serial No.: 08/749,766
Attorney Docket No.: 23435-004



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APPLICANT(S) : Randall B. METCALF

CONFIRMATION No.: 3143

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EXAMINER : Daniel Swerdlow

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FOR : SOUND SYSTEM AND METHOD FOR CAPTURING AND REPRODUCING
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STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. § 1.191, Applicant hereby appeals to the Board of Patent Appeals and Interferences from the Examiner's May 10, 2004 Office Action finally rejecting all claims in the above-identified application. Each rejection of each claim is hereby appealed.

Dated: May 13, 2004

Respectfully submitted,

Customer Number
29315

A handwritten signature in cursive script, reading "James G. Gatto".

James G. Gatto
Registration No.: 32,694
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